

## REMARKS

This amendment is filed in response to the Office Action of May 29, 2008 in which claims 1-10, 12, 15-27 and 30-35 were rejected.

Applicant has included the below mentioned new software claim into the patent application:

*36. (New) A computer readable medium having computer executable instructions stored thereon for execution on a processor of a mobile terminal configured:*

- to receive via a wireless short-distance connection a functional instruction for activating a function,*
- to check whether the mobile terminal is permitted to execute the function, and*
- to activate the function according to the functional instruction as a response to a situation in which the mobile terminal is permitted to execute the function.*

Some slight amendments have also been made to claims 32 and 33 of the application.

### Argumentation:

The Examiner says that the independent claims of the present application would lack an inventive step in light of *Atsushi* (JP9-312890) and *Meade* (US 2003/0073432).

The independent claims recite the following subject matter:

*"(a) a functional instruction is transmitted/received via a wireless short-range connection to/in a mobile terminal,*

*(b) it is checked whether the mobile terminal is permitted to execute a function that corresponds to the functional instruction, and*

*(c) as a response to a situation in which the mobile terminal is permitted to execute the function, the defined function is activated in the mobile terminal."*

The Examiner admits that *Atsushi* ('890) does not teach the above-mentioned technical features (a) and (b) but the Examiner says that those features (a) and (b) would be taught by *Meade*. *Meade* does not, however, teach to check whether a device (a mobile terminal, an appliance) is permitted to execute a function that corresponds to a functional

instruction that has been transmitted via an established wireless short-range connection to the device. In other words, *Meade* does not provide any hints for making a connection between the above-mentioned features (a) and (b).

*Meade* says in paragraph [0026]: “*An appliance control system of the present invention enables a mobile computing device, such as a personal digital assistant, to control appliances like televisions, radios, printers, etc.*” Although *meade* shows a mobile device 26 in Fig. 2, the appliances mentioned by *Meade* are mostly non-mobile devices the location of which does not change and thus there is no thought expressed by *Meade* to localize them. Hence, the disclosure of *Meade* does not deal with the problems associated with localizing mobile terminals. The cited prior art does not provide any hints or guidance that would lead a person skilled in the art to the independent claims of the present application.

On the basis of the above-presented facts the cited prior art does not constitute a bar to patentability of the independent claims. The dependent claims should be allowable along with the independent ones for at least the same reasons.

It should be mentioned that although the Examiner has mentioned new claims 34 and 35 in the introductory part of the obviousness rejection on page 2 of the detailed action, there does not seem to be any further actual analysis of why these two dependent claims 34 and 35 would be obvious. These claims cover the narrower subject matter described in the example at page 10, lines 32-37 and it is requested that the Examiner address the patentability of these claims as well.

The objections and rejections of the Office Action of May 29, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-10, 12, 15-27 and 30-36 to issue is earnestly solicited.

Respectfully submitted,



Francis J. Maguire  
Attorney for the Applicant  
Registration No. 31,391

FJM/lk  
WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, Connecticut 06468  
(203) 261-1234